

Application No.: 09/580,272  
Preliminary Amendment dated: August 4, 2005  
Reply to final Office Action of: May 4, 2005

### REMARKS

By this Amendment, Applicant has amended the claims and is urging arguments to establish that the claims here are distinct from the art asserted by the Examiner. In view of these arguments, Applicant respectfully requests the Examiner to reconsider all the outstanding rejections and to withdraw them.

#### ***Rejection Under 35 U.S.C. §103***

At paragraphs 2-9 of the Final Office Action, the Examiner rejected claims 1-21 as being unpatentable over U.S. Patent No. 6,247,048 to Greer et al. ("Greer") in view of U.S. Patent No. 6,122,670 to Bennett et al. ("Bennett") and U.S. Patent No. 6,244,758 to Solymar et al. ("Solymar").

In this rejection, the Examiner relied on the primary reference Greer for meeting all the steps of Claim 1, except for the italicized portions reprinted below.

Claim 1 (Previously Presented) A method of communicating with a peripheral computer system comprising the steps of:

a) said peripheral computer system creating a communication link with a host computer system using one transport mechanism of a plurality of possible transport mechanisms;

b) said host computer system recognizing said one transport mechanism used in step a);

c) said host computer system determining a communication protocol from a plurality of possible communication protocols based on said one transport mechanism used in step a), *wherein said determining comprises indexing a table with said one transport mechanism recognized in said b) to determine at least one parameter in the communication protocol, and wherein said table comprises parameters that are designed to improve communication based on the transport mechanisms;* and

d) *said host computer system communicating information to said peripheral computer system based on said communication protocol determined at step c).*

The italicized portion of step (c) was alleged to be found in the teachings of Bennett, whereas step (d) in its entirety was alleged to be found in the teachings of Solymar.

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Applicant submits that the primary reference Greer is deficient in various ways when compared to Applicants' claimed invention. These deficiencies are detailed below with respect to claim 1 for example.

Step (a) recites "said peripheral computer system creating a communication link with a host computer system using one transport mechanism of a plurality of possible transport mechanisms." The primary elements of this step include the peripheral computer system, the host computer system, and the communication link using one of a plurality of transport mechanisms. In an embodiment described in FIG. 7 of Applicant's specification, these elements can be represented by PDA 100, host system 56, and serial cradle device 60, respectively. In FIGS. 8-12 of Applicant's specification, additional transport mechanisms such as a network cradle, modem, infrared, wireless link, and personal area network radio frequency transport are described.

With respect to step (a) of claim 1, the Examiner relied on col. 3, line 65 to col. 4, line 9 of Greer, which states the following:

Between the Internet 104 and the airnet 102 there is a link server or proxy server computer 114 for performing data communication between the Internet 104 and the airnet 102. The proxy server computer 114, also referred to as link server computer or gateway server computer, may be a workstation or a personal computer that performs mapping and translation functions. For example, the proxy server computer 114 may map information from one protocol to another, such that the mobile device 106 can communicate with any one of the servers 112 or the PCs 110 on the internet 104.

In applying this portion of Greer to Applicant's step (a), the Examiner appears to be equating mobile device 106 to Applicant's peripheral computer system, proxy server 114 to Applicant's host computer system, and airnet 102 to Applicant's transport mechanism. As noted at col. 3, lines 40-42, "each telecommunications carrier may have its own communication scheme, such as CDPD, CDMA, GSM and TDMA for the airnet 102." Since the Examiner has not concretely specified what in Greer is considered equivalent to Applicant's transport mechanisms, it is assumed that the communication schemes such as CDPD, CDMA, GSM and

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TDMA are being applied to Applicant's transport mechanisms. If such is the case, however, step (a) of claim 1 is not satisfied because the mobile device is not creating a communication link with the proxy server using one of those communication mechanisms. Rather, the mobile device is creating a communication link with a base station of the telecommunications carrier using one of those communication mechanisms.

For this reasons, step (b) of claim 1 is also not satisfied because the proxy server is not in the business of distinguishing between communication schemes such as CDPD, CDMA, GSM and TDMA.

Here it should be noted that the proxy server of Greer has the task of converting between protocols such as HTTP, HDTP, HTML, HDML, etc. Thus, in some sense, the proxy server distinguishes between those communication protocols. This teaching by Greer cannot be applied to steps (a) or (b) of claim 1, however, because that would effectively equate Greer's protocols HTTP, HDTP, HTML, HDML, etc. to Applicant's claimed "transport mechanism" of steps (a) and (b) as well as Applicant's claimed "communication protocol" of step (c).

Applicant's step (c) recites (in part) "said host computer system determining a communication protocol from a plurality of possible communication protocols based on said one transport mechanism used in step a)." Here, the Examiner relied on col. 4, lines 18-33 of Greer, which states the following:

In the embodiment of FIG. 1, the communication protocol between the mobile device 106 and the proxy server 114 via the airnet 102 is the Handheld Device Transport Protocol (HDTP) which preferably runs on User Datagram Protocol (UDP). The HDTP controls the connection of a small Web browser in the mobile device 106 to the proxy server 114. In the embodiment of FIG. 1, the browser in the mobile device 106 may be a Handheld Device Markup Language (HDML) browser. The Handheld Device Markup Language (HDML) is similar to HTML in that it is a tag based document language and comprises a set of commands or statements that specify how information is to be displayed on a display device. HDML is a specific markup language designed to specify in a "card" how information should be displayed on a small display screen 116 of the mobile device 106.

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In applying this portion of Greer to Applicant's step (c), the Examiner is clearly equating the protocols HTTP, HDTP, HTML, HDML, etc. to Applicant's communication protocols. This application of Greer to Applicant's claimed invention again falls short because Greer does not determine a communication protocol from a plurality of possible communication protocols based on a transport mechanism. In other words, a communication protocol (e.g., HTTP, HDTP, HTML, HDML) is not dependent on a particular transport mechanism (e.g., CDPD, CDMA, GSM, TDMA). These two aspects of Greer are independent of each other. Moreover, selection of a particular communication protocol (e.g., HTTP, HDTP, HTML, HDML) is independent of aimet 102 entirely. Thus, Greer cannot teach the alleged initial portion of Applicant's step (c).

As detailed above, Greer has numerous deficiencies as a primary reference in the obviousness rejection set forth by the Examiner. Even assuming that Bennett and Solymar teach all that the Examiner alleges, the deficiencies of Greer still remain and are significant. The rejection of claim 1 is therefore traversed for at least those reasons. Claims 9 and 19 recite similar features as claim 1. The rejections of those claims is therefore traversed for at least the same reasons.

Since claims 2-8, 10-18, and 20-21 are dependent from one of independent claims 1, 9, and 19 and incorporate the features of one of those claims, the rejection of claims 2-8, 10-18, and 20-21 is traversed for at least those reasons noted above with respect to claims 1, 9, and 19.

#### **Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections, and that they be withdrawn. The Examiner is invited to telephone the undersigned representative if an interview might be useful for any reason.

Dated: August 4, 2005

Respectfully submitted,  
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